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OFFICE OF PETITIONS

In re Application of :
Tomio Satoh :
Application No. 10/813,342 :
Filed: March 30, 2004 :
Attorney Docket Number: 172A 3559 :
Title of Invention: Emitter Coupled Logic :
Oscillator Circuit :

ON PETITION

This is a decision on the petition filed August 1, 2006, under 37 CFR 1.137(b) to revive the above-identified application. Petitioner has also requested that the petition be treated under 37 CFR 1.181.

The petition to withdraw the holding of abandonment is **GRANTED**.

The petition under 37 CFR 1.137(b) is **DISMISSED AS MOOT**.

This application was held abandoned on March 23, 2006 for failure to timely submit the issue fee, as required by the Notice of Allowance and Issue Fee Due which was mailed December 22, 2005 and set a 3 month statutory period for reply. Petitioner was informed of the above-identified application's abandonment by a Notice of Abandonment mailed on May 8, 2006.

Petitioner maintains the issue fee transmittal authorizing the payment of the issue fee was submitted on March 22, 2006. In support, Petitioner provided a copy of the Issue Fee Transmittal Form (PTOL-85) which has a certificate of mailing date of March 22, 2006. Pursuant 37 CFR 1.8 the Issue Fee Transmittal Form will be treated as having been received timely. Based on the facts as stated in the instant petition, and the corroborative evidence provided, it is concluded that the holding of abandonment was improperly imposed.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Since the petition has been granted under 37 CFR §1.181, the Petitioner's request to have the petition considered under 37 CFR §1.137(b) is **dismissed as moot**. No petition fee is required for a petition to withdraw the holding of abandonment under 37 CFR §1.181.

This application is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries should be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema R. Grant", with a stylized flourish at the end.

Charlema R. Grant
Petitions Attorney
Office of Petitions